

BILL NO. Z-94-03-08

ZONING MAP ORDINANCE NO. Z-02-94

**AN ORDINANCE amending the City of
Fort Wayne Zoning Map No. 0-19.**

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT
WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-1-B (Limited Business) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Lots Numbered Twenty (20), Twenty-one (21) and Twenty-two (22) in Squire's Second Addition to the City of Fort Wayne as recorded in the Office of the Recorder of Allen County.

and the symbols of the City of Fort Wayne Zoning Map No. O-19,
as established by Section 11 of Chapter 33 of the Code of the
City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

Councilmember

APPROVED AS TO FORM AND LEGALITY:

J. Timothy McCaulay
J. TIMOTHY MCCUAULAY, CITY ATTORNEY

32

Read the first time in full and on motion by Ronnie,
and duly adopted, read the second time by title and referred to the
Committee on Regulation (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Conference Room 128, City-County Building, Fort
Wayne, Indiana, on 19, the 19 day of March, at 10:00 o'clock

M., E.S.T.

DATED: 3-8-94

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Ronnie

POST

Read the third time in full and on motion by Ronnie,
and duly adopted, placed on its passage. PASSED

by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>6</u>			<u>3</u>
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA				<u>✓</u>
HENRY				<u>✓</u>
LONG				<u>✓</u>
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 4-26-94

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK

Deputy Clerk, Deputy Clerk

Passed and adopted by the Common Council of the City of Fort Wayne,

Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. 2-02-94
on the 26th day of April, 1994

ATTEST:

Sandra E. Kennedy

SANDRA E. KENNEDY, CITY CLERK
Deputy Clerk, Deputy Clerk

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on

the 27th day of April, 1994,
at the hour of 3:00 o'clock P., M., E.S.T.

(SEAL)

Don J. Schmidt

PRESIDING OFFICER

Approved and signed by me this 21 day of May, 1994,

19 94, at the hour of 9:45 o'clock A M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

RECEIPT

No 14917

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IN.,

Feb 15 1994

RECEIVED FROM Labors' Int'l Union \$ 200.00
THE SUM OF Two hundred and no/100's DOLLARS
ON ACCOUNT OF Rezoning - 5600 Lillie St.

PAID BY: CASH CHECK M.O.

AUTHORIZED SIGNATURE

W.E.O./

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED _____

INTENDED USE _____

X/We John A. Klaehn and Sally J. Klaehn

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an B1B District the property described as follows:

Lots Numbered Twenty (20), Twenty-one (21) and Twenty-two (22) in

Squire's Second Addition to the City of Fort Wayne as recorded in the Office of the Recorder of Allen County.

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED: 5600 Lillie Street

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

John A. Klaehn

Sally J. Klaehn

(Name)

John Klaehn

11984 N. 300 E.

ROANOKE IN

(Address)

John Klaehn

Sally Klaehn

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. [REDACTED]

Name and address of the preparer, attorney or agent.

Solomon L. Lowenstein, Jr.
(Name)

503 W. Wayne St., FW 46802
(Address & Zip Code)

219/422-4655
(Telephone Number)

COMMUNITY AND ECONOMIC DEVELOPMENT / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoned.

Owners of Property

(Name)

(Address)

(Signature)

NOTE: All checks are to be made payable to: CITY OF FORT WAYNE
This form is to be filed in duplicate.

NOTICE:

FILING OF THIS APPLICATION GRANTS THE CITY OF FORT WAYNE PERMISSION TO POST
"OFFICIAL NOTICE" ON THE PETITIONED PROPERTY.


FAILURE TO POST, OR TO MAINTAIN POSTING CAN PREVENT THE PUBLIC HEARING
FROM BEING HELD.

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on March 8, 1994 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-94-03-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on March 21, 1994.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact".

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held March 28, 1994.

Certified and signed this
29th day of March 1994.

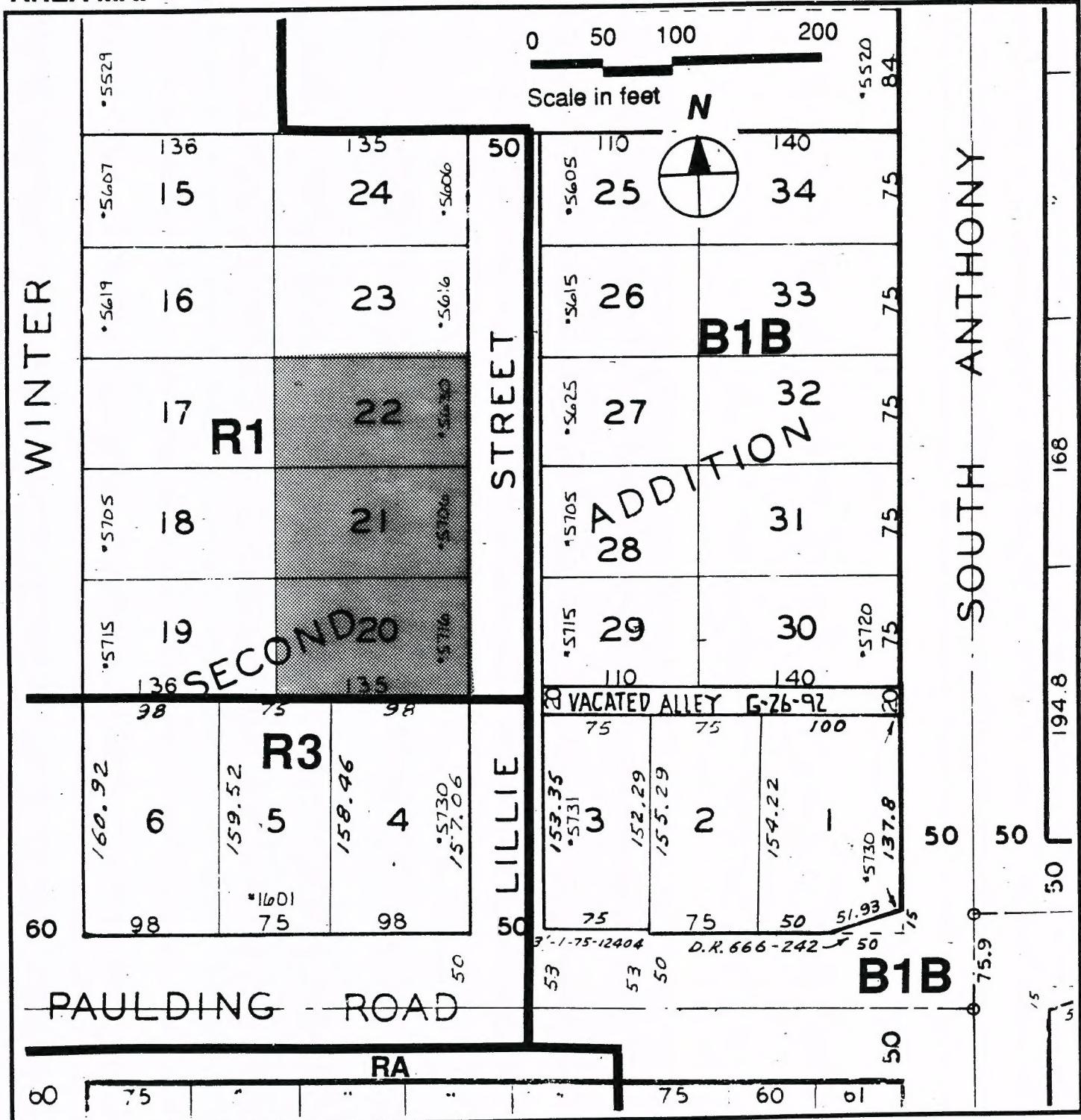


Carol Kettler Sharp
Secretary

REZONING PETITION

CASE NO. #560

AREA MAP



COUNCILMANIC DISTRICT NO. 6

R1	One-Family
R2	Two-Family
R3	Multi-Family
RA/RB	Residential
PUD	Planned Unit Dev.

B1	Limited Business
B2	Planned Shopping Center
B3	General Business
B4	Roadside Business
POD	Professional Office District

M1	Light Industrial
M2	General Industrial
M3	Heavy Industrial
MHP	Mobile Home Park

X b6c
ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 5600 Lillie Street

2-94-03-08

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential. Property will become zoned B-1-B - Limited Business District.

EFFECT OF NON-PASSAGE Property will remain zoned R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE)

FACT SHEET

Z-94-03-08

BILL NUMBER

Division of Community
Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON
Zoning Map Amendment		
From R-1 to B-1-B		

DETAILS

Specific Location and/or Address 5600 Lillie Street	
Reason for Project Office facility.	
Discussion (Including relationship to other Council actions) <u>21 March 1994 - Public Hearing</u> See Attached Minutes of Meeting Members Present: Ernest Evans, James Hoch, Charles Layton, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck Member Absent: Mark GiaQuinta <u>28 March 1994 - Business Meeting</u> Members Present: Ernest Evans, Charles Layton, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith, Vicky VerPlanck Members Absent: James Hoch, Mark GiaQuinta Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.	

POSITIONS	RECOMMENDATIONS	
Sponsor	City Plan Commission	
Area Affected	City Wide Other Areas	
Applicants/ Proponents	Applicant(s) John A & Sally J Klaehn City Department Other	
Opponents	Groups or Individuals Basis of Opposition	
Staff Recommendation	<input type="checkbox"/> For <input checked="" type="checkbox"/> Against Reason Against -approval would have a negative influence on property values & quality of life.	
Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for conditions)	
CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass	

TAILS

Of the seven (7) members present, six (6) voted in favor of the motion, one (1) did not vote. Motion Carried

POLICY/PROGRAM IMPACT

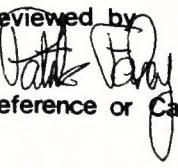
Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start Date 15 February 1994

Projected Completion or Occupancy Date 29 March 1994

Fact Sheet Prepared by Date 29 March 1994
Patricia Biancaniello

Reviewed by Date 29 March 1994


Reference or Case Number

- b. Bill No. Z-94-03-08 - Change of Zone #560
From R-1 to B-1-B
5600 Lillie Street

Solomon Lowenstein, Jr., attorney, appeared before the Commission for the petitioners. Mr. Lowenstein handed out copies of a survey of the area to the Commission. Mr. Lowenstein stated that they have reviewed the staff recommendation. He stated that out of deference to the staff he pointed out a matter on the certificate of survey. He stated that they staff comments note that to the south is a commercial structure. He stated that the commercial structures on lots 4, 5 & 6 consist of a chiropractor's office, another health care representative and a tax consultant. He stated that at a certain point Lillie Street has a "Do Not Enter" sign. It appears to be a fairly narrow one-way street, however it is well maintained. He stated that there is no traffic using Lillie Street, with the exception of any resident ingress/egress into a private drive. He stated that there is a fire hydrant in front of Lot 21, which would indicate that there are some infra-structure services that could be utilized for this real estate. He stated that the lots behind the property to be rezoned front on Winter Street. He stated that it is their contention that the residents located on Winter Street all likelihood would have a better view, if in fact this property was rezoned. He stated that if a buffer is required it would be more pleasing than their current view of a parking lot in the 5700 Block of South Anthony. He stated it is their contention that a zoning change of B1B in this area would not cause a deterioration of the quality of life. He stated that these three parcels are not conducive to single family residences. He stated that if single family residences are in fact built on these three properties, they would face on Lillie Street, and they would be facing the rear of a parking lot which exists in the 5700 Block of So Anthony Blvd.

Mel Smith questioned what the property would be used for if rezoned.

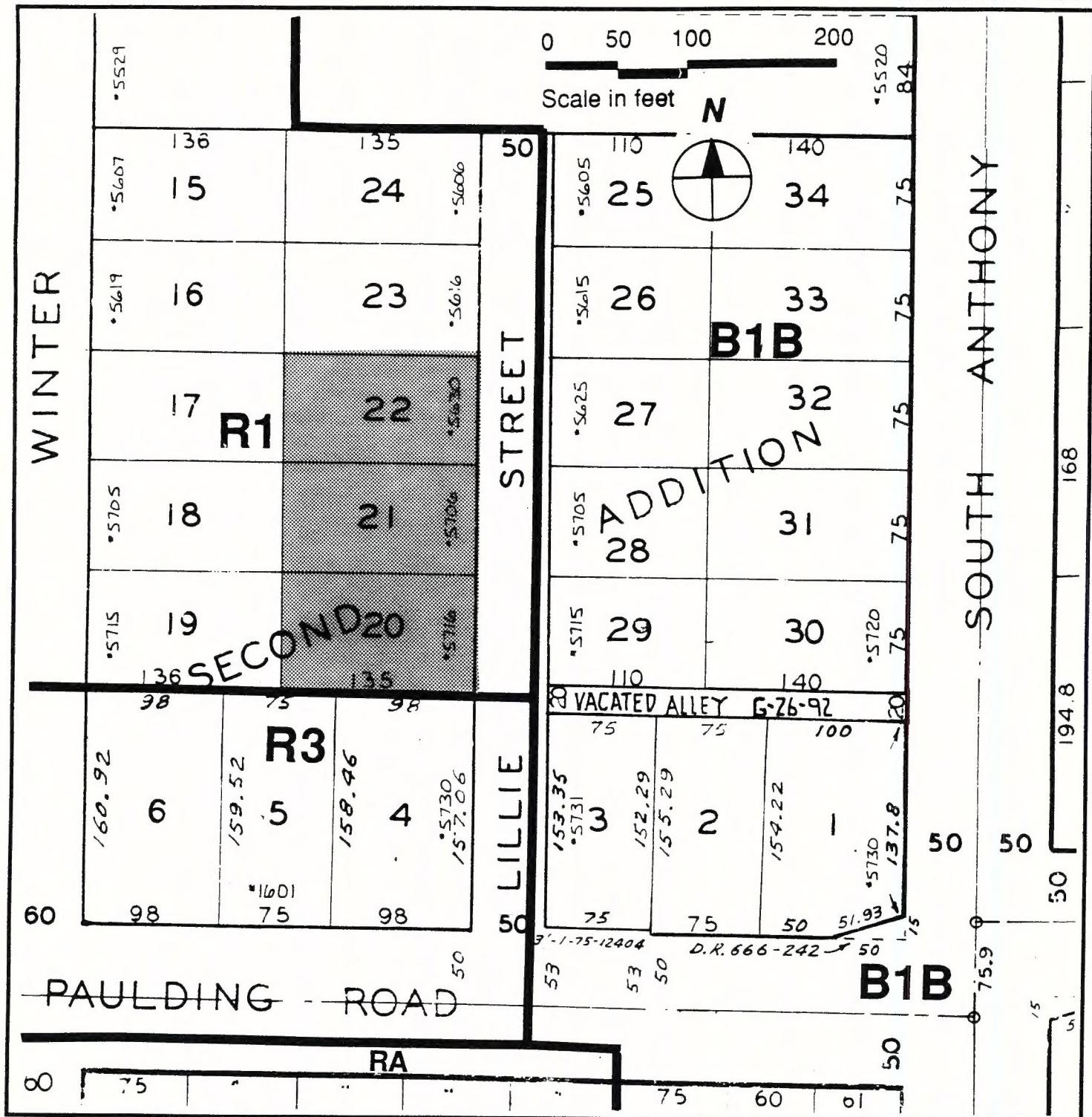
Mr. Lowenstein stated that the planned use is a small office structure. He stated that it would also have a meeting facility in it and would accommodate office space for no more than 4 or 5 people. He stated that parking would be available on the 5700 So Anthony real estate, which is directly to the west of the parcel.

There was no one else present who spoke in favor of or in opposition to the proposed rezoning.

REZONING PETITION

AREA MAP

CASE NO. #560



COUNCILMANIC DISTRICT NO. 6

Map No. O-19
LW 2-24-94

R1	One-Family	B1	Limited Business	M1	Light Industrial
R2	Two-Family	B2	Planned Shopping Center	M2	General Industrial
R3	Multi-Family	B3	General Business	M3	Heavy Industrial
RA/RB	Residential	B4	Roadside Business	MHP	Mobile Home Park
PUD	Planned Unit Dev.	POD	Professional Office District		

BILL NO. Z-94-03-08

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - MARK E. GIAQUINTA - CO-CHAIR
DONALD J. SCHMIDT
JANET G. BRADURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS
REFERRED AN (ORDINANCE) (RESOLUXXION) amending the City of Fort
Wayne Zoning Map No. 0-19

HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS **DO NOT PASS** **ABSTAIN** **NO REC.**

DATED: 4-26-94.

Sandra E. Kennedy
City Clerk